

1 BILL NO. R-84-06-18

2 RESOLUTION NO. R-

3 A RESOLUTION FINDING, DETERMINING
4 AND RATIFYING AN INDUCEMENT RESOLUTION
5 OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION
6 AUTHORIZING THE ISSUANCE AND SALE OF
7 \$5,000,000.00 ECONOMIC REVENUE BONDS OF THE
8 CITY OF FORT WAYNE, INDIANA,
9 FOR THE PURPOSE OF INDUCING THE APPLICANT,
10 DENVER SOUTHWEST EXPRESS, INC. OR ITS ASSIGNEE
11 TO PROCEED WITH THE ACQUISITION
12 CONSTRUCTION AND EQUIPPING OF THE PROJECT.

13 WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is
14 authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue
15 bonds for the financing of economic development facilities, the
16 funds from said financing to be used for the acquisition,
17 construction and equipping of said facilities, and said facili-
18 ties to be either sold or leased to another person or directly
19 owned by another person; and

20 WHEREAS, Denver Southwest Express, Inc. or Its Assignee
21 (the "Applicant") has advised the Fort Wayne Economic Development
22 Commission and the Issuer that it proposes that the Issuer acquire
23 and equip an economic development facility and sell and/or lease
24 the same to the Applicant or loan proceeds of an economic develop-
25 ment financing to the Applicant for the same, said economic
26 development facility to be acquisition of real estate located at
27 5810 Moeller Road, Allen County, Indiana, renovation, acquisition
28 of semi-trailer tractors and semi-trailers together with costs
29 of issuance (the "Project"); and

30 WHEREAS, the diversification of industry and an increase in
31 125 jobs immediately and 233 jobs within three years to be achieved
32 by acquisition and construction and equipping of the Project will
be of public benefit to the health, safety and general welfare of
the Issuer and its citizens; and

33 WHEREAS, having received the advice of the Fort Wayne
Economic Development Commission, it would appear that the

1 financing of the Project would be of public benefit to the
2 health, safety and general welfare of the Issuer and its
3 citizens; and

4 WHEREAS, the acquisition and construction of the faci-
5 lity will not have an adverse effect on any similar facility
6 already constructed or operating in or about Fort Wayne,
7 Indiana.

8 NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF
9 THE CITY OF FORT WAYNE, INDIANA:

10 SECTION 1. The Common Council finds, determines, rati-
11 fies and confirms the promotion of diversification of economic
12 development and job opportunities in and near Fort Wayne,
13 Indiana and in Allen County, is desirable to preserve the
14 health, safety and general welfare of the citizens of the
15 Issuer; and that it is in the public interest that Fort Wayne
16 Economic Development Commission and said Issuer take such action
17 as it lawfully may to encourage diversification of industry and
18 promotion of job opportunities in and near said Issuer.

19 SECTION 2. The Common Council further finds, deter-
20 mines, ratifies and confirms that the issuance and sale of reve-
21 nue bonds in an amount not to exceed \$5,000,000.00 of the Issuer
22 under the Act for the acquisition, construction and equipping of
23 the Project and the sale or leasing of such a financing to the
24 Applicant for such purposes will serve the public purpose
25 referred to above, in accordance with the Act.

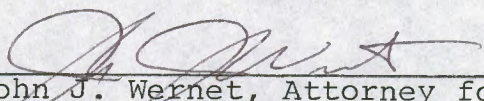
26 SECTION 3. In order to induce the Applicant to proceed
27 with the acquisition, construction and equipping of the Project,
28 the Common Council hereby finds, determines, ratifies and con-
29 firms that (i) it will take or cause to be taken such actions
30 pursuant to the Act as may be required to implement the afore-
31 said financing, or as it may deem appropriate in pursuance
32 thereof, provided that all of the foregoing shall be mutually

1 acceptable to the Issuer and the Applicant; and (ii) it will
2 adopt such ordinances and resolutions and authorize the execu-
3 tion and delivery of such instruments and the taking of such
4 action as may be necessary and advisable for the authorization,
5 issuance and sale of said economic development bonds.

6 SECTION 4. All costs of the Project incurred after the
7 passage of this Inducement Resolution, including disbursement or
8 repayment of the Applicant of monies expended by the Applicant
9 for planning, engineering, interest paid during construction,
10 underwriting expenses, attorney and bond counsel fees, acquisi-
11 tion, construction and equipping of the Project will be per-
12 mitted to be included as part of the bond issue to finance said
13 Project, and the Issuer will thereafter either sell or lease the
14 same to the Applicant or loan the proceeds of such financing to
15 the Applicant for the same purposes.

16
17 
18 COUNCILMAN

19 APPROVED AS TO FORM AND
20 LEGALITY.

21 
22 John J. Wernet, Attorney for the
23 Economic Development Commission
24 Dated this 25th day of June, 1984.

Read the first time in full and on motion by Y. J. J. J.,
seconded by Stu, and duly adopted, read the second time
by title and referred to the Committee Finance (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19_____, at _____ o'clock _____ M., E.S.

DATE: 6-26-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Y. J. J. J.,
seconded by Stu, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 7-10-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) ~~(APPROPRIATION)~~ (GENERAL)

(SPECIAL) ~~(ZONING MAP)~~ ORDINANCE (RESOLUTION) NO. 9-85-84
on the 10th day of July, 1984,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Ray A. E. E. E.
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 11th day of July, 1984,
at the hour of 10:00 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of July,
1984, at the hour of 2:30 o'clock P. M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

BILL NO. R-84-06-18

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN

~~XXXXXXXXXX~~ A RESOLUTION FINDING, DETERMINING AND RATIFYING AN
~~ORDINANCE~~
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AUTHORIZING THE ISSUANCE AND SALE OF \$5,000,000.00 ECONOMIC REVENUE
BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING
THE APPLICANT, DENVER SOUTHWEST EXPRESS, INC., OR ITS ASSIGNEE TO
PROCEED WITH THE ACQUISITION CONSTRUCTION AND EQUIPPING OF THE PROJECT

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

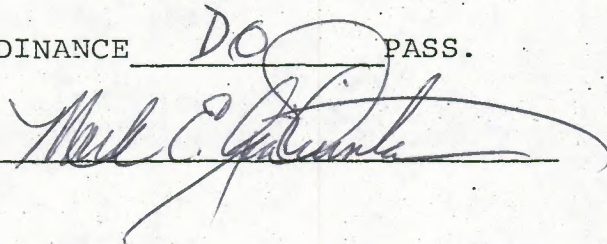
MARK E. GiaOUINTA, CHAIRMAN

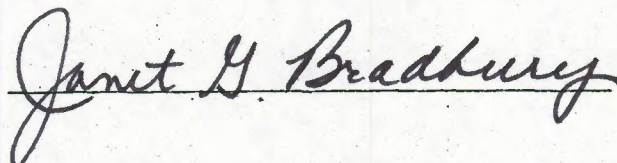
JAMES S. STIER, VICE CHAIRMAN

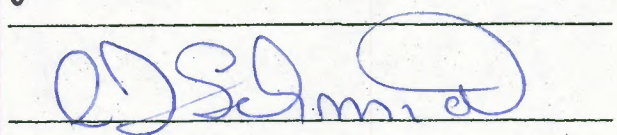
JANET G. BRADBURY

THOMAS C. HENRY

DONALD J. SCHMIDT







CONCURRED IN 7-10-84
SANDRA E. KENNEDY, CITY CLERK